

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA 99 M
SOUTHERN DIVISION 11 S

99 MAR 24 AM 9:50

U.S. DISTRICT COURT
N.D. OF ALABAMA

RODNEY CLAYTON,

Plaintiff,

VS.

POLLY CONRADI,

Defendants.

CV 98-N-2390-S

ENTERED
MAR 24 1999

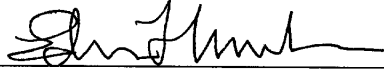
MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on March 8, 1999, recommending that the defendants' motion for summary judgment be granted and this cause be dismissed with prejudice. Plaintiff filed objections on March 18, 1999. Plaintiff restates the arguments made in his complaint and adds a request that this court allow him to file an out of time appeal. This court has no jurisdiction to rule on a motion to file an out of time appeal in the Alabama Court of Criminal Appeals. Plaintiff's motion must be filed with the Alabama Court of Criminal Appeals.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections filed by the plaintiff, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The Court EXPRESSLY FINDS that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, defendant's motion for summary judgment is due to be GRANTED and this action is due to be DISMISSED WITH PREJUDICE. A Final Judgment will be entered.

18

DONE this the 23rd day of march, 1999.

A handwritten signature in cursive script, appearing to read "Edwin L. Nelson", written over a horizontal line.

EDWIN L. NELSON
UNITED STATES DISTRICT JUDGE